

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NO. 3:12-CR-3-PLR
	)	
IRA FULTZ	)	

**MEMORANDUM AND ORDER**

This matter is before the court on the defendant's motion for sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines [R. 341]. The government has responded deferring to the court's discretion whether and to what extent to reduce defendant's sentence [R. 347]. The United States Probation Office has provided the court with a memorandum regarding retroactivity of Amendment 782. The defendant is presently scheduled for release on February 16, 2017.

The defendant was convicted of conspiracy to distribute and possession with intent to distribute Oxycodone, in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C). At sentencing, defendant's base offense level was 27, with a criminal history category V, resulting in an advisory guideline range of 120 - 150 months. Prior to sentencing, the government filed a motion for downward departure for substantial assistance. Defendant was sentenced on October 5, 2012, to 84 months imprisonment (30% reduction).

Amendment 782 reduces the guideline range applicable to defendant. Pursuant to Amendment 782, defendant's base offense level is 25, with a criminal history category V, resulting in an amended guideline range of 100 - 125 months. Giving defendant a comparable adjustment (30% reduction), and taking into account the policy statements set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), it is hereby ORDERED that the defendant's motion [R. 341] is GRANTED, and the defendant's sentence is **reduced to 70 months**.

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. *See* USSG § 1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated October 9, 2012, shall remain in effect. **The effective date of this order is November 2, 2015.** *See* USSG § 1B1.10(e)(1).

IT IS SO ORDERED.

Enter:

  
UNITED STATES DISTRICT JUDGE